

ORDINANCE NO. 124

AN ORDINANCE GRANTING TO CENTRAL CALIFORNIA TRACTION COMPANY, A RAILROAD CORPORATION, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF CALIFORNIA, AND HAVING ITS OFFICE AND PRINCIPAL PLACE OF BUSINESS IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND TRANSACTING BUSINESS IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, ITS SUCCESSORS IN INTEREST AND ASSIGNS, THE RIGHT, PRIVILEGE AND PERMISSION TO CONSTRUCT LAY DOWN, MAINTAIN AND OPERATE A SPUR RAILROAD TRACK OF STANDARD GAUGE, FOR THE TRANSPORTATION OF FREIGHT, TOGETHER WITH THE RIGHT, PRIVILEGE AND PERMISSION, TO LAY DOWN AND MAINTAIN THE NECESSARY CURBS, CROSSINGS AND CONNECTIONS, AND THE RIGHT TO RUN CARS THEREON AND THEREUNDER, PROPELLED AND OPERATED BY ELECTRICITY, OR BY ANY OTHER LAWFUL MOTIVE POWER, EXCEPT HORSES AND MULES, WITH ALL THE NECESSARY POLES AND OVERHEAD OF UNDERGROUND WIRES, ON, OVER, ALONG, UPON AND ACROSS THE STREETS, PORTIONS OF STREETS, AVENUES AND OTHER PLACES IN THE CITY OF LODI, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AND PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

Commencing for the center line of said spur track at the intersection of the Northerly City Limits line of the City of Lodi, California, with a point 22 ft. East of the center line of Sacramento Street, in the said City of Lodi, and running thence Southerly, 22 ft. from, and parallel to the center line of said Sacramento Street, a distance of 620 ft.; thence on a gradual curve to the right, a distance of 160 ft. to a point in the center of the present track of the Central California Traction Company, which said track is located on or near the center of said Sacramento Street.

BE IT ORDAINED by the Board of Trustees of the City of Lodi, as follows:

(1)

Section 1. The City of Lodi hereby grants to Central California Traction Company, a railroad corporation duly organized and existing under and by virtue of the Laws of the State of California, and transacting business in the County of San Joaquin, State of California, its successors in interest and assigns, the right, privilege and permission to construct, lay down, maintain and operate a spur railroad track of standard gauge, for the transportation of freight, together with the right, privilege and permission, to lay down and maintain the necessary curbs, crossings and connections, and the right to run cars thereon and thereunder, propelled and operated by electricity, or by any other lawful motive power, except horses and mules, with all the necessary poles and overhead or underground wires, on, over, along, upon and across the streets, portions of streets, avenues and other places in the City of Lodi, County of San Joaquin, State of California, and particularly described as follows, to-wit:

Commencing for the center line of said spur track at the intersection of the Northerly City Limits line of the City of Lodi, California, with a point 22 ft. East of the center line of Sacramento Street in the said City of Lodi, and running thence southerly, 22 ft. from, and parallel to the center line of said Sacramento Street, a distance of 620 ft; thence on a gradual curve to the right, a distance of 160 ft. to a point in the center of the present track of the Central California Traction Company, which said track is located on or near the center of said Sacramento Street.

Section 2. The franchise, rights, privileges and permissions herein granted to said Grantee are dependent for their continuance and validity upon the performance by said Grantee in full of all conditions as hereinafter set out, to-wit:

First\*\*\*Said Grantee shall, in all cases, construct, lay down and maintain its said roadbed in said City of Lodi to the official grade of the said streets and portions of streets in said City of Lodi, and shall not construct or raise any portion of his roadbed to a greater height than said official grade, unless with the permission of the said Board of Trustees, of the City of Lodi.

**Second---Said** Grantee shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the Board of Trustees of the City of Lodi, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair,

**Third---Said** Grantee shall, upon the order of the said Board of Trustees of the City of Lodi, grade or regrade, gravel or re-gravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said Board of Trustees, of the said City of Lodi any and all portions of said streets along which the track is laid, between the rails thereof, and for a width extending two feet on each side of said track.

It shall keep the same, including the crossings constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said Grantee, its successors in interest, or assigns, be permitted to run or operate said railroad on said streets or portions of streets where the said track is laid until the same shall have been approved by the Superintendent of Streets, and by this Board of Trustees.

**Section 3.** The franchise, rights, privileges and permissions hereby granted, are hereby granted for such term, period and length of time, as shall meet with the pleasure of this Board of Trustees.

**Section 4.** Said Grantee shall keep its roadbed and track in good condition, with proper slopes to enable teams to pass and re-pass thereon.

**Section 5.** All privileges and rights required by said Grantee for the construction and maintenance of said roadbed, track, curves, crossings and connections through private property, and upon grades made by private persons are to be by said Grantee secured from the owners of such property.

Section 6. If the said Grantee shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Lodi, the franchise, rights, privileges and permissions herein granted, or to commence in good faith and duly prosecute the construction of his said railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and affect as a grant unto the said Grantee.

Section 7. This Ordinance shall take effect and be in force Thirty (30) days from and after its passage and approval.

I hereby certify that the above ordinance numbered 124 was regularly introduced at a regular meeting of the Board of Trustees of the City of Lodi held on Monday August 1, 1921, and that the same was regularly passed and adopted at a regular adjourned meeting of said board held on Monday, August 8, 1921, by the following vote:

YES; Trustees: Rich, Hale, Crose and Montgomery.

NOES: Trustees: None.

ABSENT: Trustees: Hickok.

Attest:

J. F. BLAKELY,  
City Clerk.